

INFORMATION FILED: March 31, 1953, Eastern District of North Carolina, against Ernest C. Buchanan, trading as the Lenoir Drug Co., Kinston, N. C.

ALLEGED VIOLATION: On or about March 4 and April 23, 1952, while a number of *sulfadiazine tablets* and *dextro-amphetamine sulfate tablets* were being held for sale at the Lenoir Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Sections 502 (f) (1) and (2), the labeling of the repackaged drugs failed to bear adequate directions for use and adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

Further misbranding, Section 502 (e) (1), the label of the repackaged *sulfadiazine tablets* failed to bear the common or usual name of the drug.

DISPOSITION: April 13, 1953. A plea of nolo contendere having been entered by the defendant, the court fined him \$75.

4064. Misbranding of sulfadiazine tablets, pentobarbital sodium capsules, and dextro-amphetamine sulfate tablets. U. S. v. Alexander L. Hogan (Hogan's Pharmacy). Plea of nolo contendere. Fine, \$75. (F. D. C. No. 34814. Sample Nos. 3535-L, 3537-L, 4439-L.)

INFORMATION FILED: March 31, 1953, Eastern District of North Carolina, against Alexander L. Hogan, trading as Hogan's Pharmacy, Kinston, N. C.

ALLEGED VIOLATION: On or about April 18 and 23, 1952, while a number of *sulfadiazine tablets*, *pentobarbital sodium capsules*, and *dextro-amphetamine sulfate tablets* were being held for sale at Hogan's Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of these drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tables* and *dextro-amphetamine sulfate tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: April 13, 1953. A plea of nolo contendere having been entered, the court fined the defendant \$75.

4065. Misbranding of dextro-amphetamine sulfate tablets, conjugated estrogen tablets, phenobarbital tablets, tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide, and tablets containing a mixture of sulfadiazine and bicarbonate of soda. U. S. v. Jay L. Wilder Drug Co., Jay L. Wilder, William F. Fanning, and Elmer Modlin. Pleas of nolo contendere. Fine of \$500 against company, \$50 against Defendant Wilder, \$100 against Defendant Fanning, and \$100 against Defendant Modlin, plus costs. (F. D. C. No. 33717. Sample Nos. 30970-L, 31740-L, 34302-L, 34304-L, 34305-L.)

INFORMATION FILED: October 10, 1952, Western District of Missouri, against the Jay L. Wilder Drug Co., a corporation, Joplin, Mo., and against Jay L. Wilder, president, William F. Fanning, vice president, and Elmer Modlin, an employee of the corporation.

ALLEGED VIOLATION: On or about November 1 and 2, 1951, while a number of *dextro-amphetamine sulfate tablets, conjugated estrogen tablets, phenobarbital tablets, tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide, and tablets containing a mixture of sulfadiazine and bicarbonate of soda* were being held for sale at the Jay L. Wilder Drug Co., after shipment in interstate commerce, various quantities of the drugs were caused to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The corporation was charged with causing the acts of repacking and dispensing of the drugs in each of the five counts of the information; Jay L. Wilder was charged with causing such acts of repacking and dispensing with respect to the *tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide*; William F. Fanning was similarly charged with respect to the *conjugated estrogen tablets* and the *phenobarbital tablets*; and Elmer Modlin was likewise charged with respect to the *dextro-amphetamine sulfate tablets* and the *tablets containing a mixture of sulfadiazine and bicarbonate of soda*.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *dextro-amphetamine sulfate tablets, tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide, and tablets containing a mixture of sulfadiazine and bicarbonate of soda* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *conjugated estrogen tablets* failed to bear a label containing the common or usual name of the tablets; Section 502 (e) (2), the repackaged *dextro-amphetamine sulfate tablets* and *tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide* failed to bear labels containing the common or usual name of